

April 12, 2004

Roberto Sequeira, P.A.
Sequeira & Gavarette
811 Ponce De Leon Boulevard
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION 04-55

Dear Mr. Sequeira:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between the firm's current work at the Seaport and serving on the team for Cruise Terminal Improvements.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice for Professional Consultants to provide architectural and engineering services related to Cruise Terminal Improvements at the Seaport. The scope of services provides that the required professional services for this project shall include but not be limited to the design and rehabilitation of existing cruise terminals 1, 2, 3, 4, 5, 6 7, 8, 9, and 12. The selected firm will also provide services related to terminals D and E. The County reserves the right to add other projects to this PSA.

The Notice to Professional Consultants provides that "(p) rime Consultants must identify whether they or any of their subconsultants, or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they the sub-consultant or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as a part of this solicitation."

Sequeira and Gavarette has not participated in any cruise terminal improvement work at the Seaport. The other team members are ADA Engineering, E.R. Brownwell & Associates, San Martin Associates and Ross and Baruzzini.

In 1994, E.R. Brownwell & Associates prepared topographic surveys for expansion of Terminals 8, 9 and 12 at the Seaport. Most recently, E.R. Brownwell provided work for BellSouth Communications at the Seaport.

San Martin Associates previously provided engineering services to the Seaport as a subconsultant to Bruno-Elias Associates. San Martin Associates is not currently performing any services at the Seaport.

The Ethics Commission found that Sequeira and Gavarette and the other team members may provide architectural and engineering services related to Cruise Terminal improvements for the Seaport. Sequeira and Gavarette, ADA Engineering, San Martin Associates and Ross and Baruzzini are not currently performing any work at the Seaport. Therefore, the firms do not have a conflict of interest related to the Cruise Terminal Improvements contract. Further, although E. R. Brownwell's topographic surveys were

related to the cruise terminals, the scope of work does not overlap with the scope of work under the Cruise Terminal Improvements contract. Therefore, E.R. Brownwell does not have a conflict of interest related to the Cruise Terminal Improvement contract.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Luisa Millan Donovan